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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,944	12/06/1999	JEAN-MARC DIMECH		3284

7590

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EXAMINER

CRAVER, CHARLES R

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

6c

# Office Action Summary

Application No.  
09/380,944

Applicant(s)  
Dimech

Examiner  
Charles Craver

Art Unit  
2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 13, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 6-8, 11, 14, 15, 17-19, 22 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Petch et al.

Claims 1 and 6. Petch discloses a process for transmitting data between a set data rate network (19) and processing means (160) linked to the network (FIG 1) by terminal means (14), the terminal means comprising data adaptor means (162) and connected sequencer means (174, 182), wherein the sequencer is locked to the rate of the network (col 2 lines 49-64, col 3 lines 35-45) and the flow of data through the adaptor to the processing means is synchronized with the network (col 2 lines 64-67, col 4 lines 57-32, col 10 line 23-col 11 line 26).

Claim 7. Petch discloses that the locking means comprises a time base (97) based on (reads regulated by) the network clock (col 11 lines 1-26).

Claim 8. Petch discloses that the time base includes frequency dividers (128, 124) to divide the rate of the network and control data (col 9 line 50-col 10 line 22, col 4 lines 53-55).

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Claim 11. Petch discloses that the data adaptor and processing/exchanging means operates to so carry out data adaption synchronism with said interface means (col 10 line 56-col 11 line 26).

Claims 14, 15, 17-19, 22 and 25. Petch discloses that the processing unit is incorporated in the module (FIG 5) in a radiotelephone.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 9, 10, 12, 13, 16, 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petch et al.

Claims 2-5, which depend on claim 1. While disclosing applicant's invention of claim 1, and teaching the utility of buffering data at the base station as well as coding and decoding data, Petch does not specifically disclose utilizing a buffer register at the processor for receiving and transmitting data in proper timing. However, given the teaching by Petch that a buffer is useful to temporarily store data prior to processing (col 7 lines 49-60) or transmission (col 7 lines 28-48) at the base station, one of ordinary skill in the art would obviously have been motivated to apply such means to the mobile station so as to keep the data stream synchronized. By buffering the

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data after reception or prior to transmission in synchronism with the network, the data stream would not only be continuous, but would allow the transmission and reception of data at the network rate, which is the main teaching by Petch. In such a case, the buffer would inherently operate according to pulses from the mobile system clock, i.e. the sequencer means.

Claims 9 and 10, which depend on claim 8. Please see the rejection of claims 2-5 above.

Claims 12 and 13, which depend on claim 11. Please see the rejection of claims 2-5 above.

Claim 16, which depends on claim 15. While not disclosing that the data originates from the internet, the internet was notoriously well known at the time of the invention, and as such the examiner takes Official Notice of such a limitation. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize internet communications in the mobile radio of Petch, given the popularity of messaging and wireless E-mail, so as to allow the user more flexibility in his or her wireless usage.

Claims 20, 21, 23 and 24. Please see the rejection of claim 15 above.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Radojevic et al discusses base station time alignment and synchronization.

Schizlein discusses base to mobile station synchronization.

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Jansson discusses synchronization circuitry.

Grayson et al discusses a method for time-aligning a base station and mobile station.

Bourcet et al, Ballance and Dolikian discuss means for synchronization.

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington VA, sixth floor (receptionist).

**7. Any inquiry concerning this communication or earlier communications from the examiner**

should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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CC

C. Craver

May 4, 2002



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**SUPERVISORY PATENT EXAMINER**  
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